

STORAGE NAME: h1555.cla

DATE: January 13, 2000

**Florida House of Representatives
Committee on Claims
Summary Claim Bill Report**

Bill #: HB 1555
Sponsor: Committee on Claims
Companion Bill: SB 26
Special Master: JoAnn Levin

A. Basic Information:

- 1. Claimants:** Clarice Holland, individually and as Personal Representative for the Estate of Sidney Holland, Jr., deceased.
- 2. Respondent:** South Broward Hospital District.
- 3. Amount Requested:** \$1,682,500.
- 4. Type of Claim:** Settlement.
- 5. Respondent's Position:** Agrees to settlement.
- 6. Collateral Sources:** None.
- 7. Prior Legislative History:** An identical bill, HB 1747, passed the House in the 1999 Legislative Session but was not heard in the Senate as the claimant missed the Senate bill filing deadline for the 1999 session.

B. Procedural Summary: Clarice Holland, as personal representative of the Estate of Sidney Holland, Jr., deceased, sued the South Broward Hospital District for wrongful death as a result of a negligent surgical procedure performed at the Memorial Regional Hospital. Prior to trial, the parties agreed to mediation, and reached a settlement which resulted in the entry of a consent judgment against the South Broward Hospital District in the amount of \$1,882,500. The judgement was ordered on February 2, 1999. The South Broward Hospital District has already paid \$200,000 of the settlement, leaving \$1,682,500 to be paid pursuant to the claims bill.

C. Facts of Case: In 1995, Sidney Holland, Jr., was 45 years old. He had been employed by the CSX railroad for twenty-three years and was presently employed as a conductor for the railroad. In June 1995, Mr. Holland was undergoing his employer's required annual physical examination when the examining physician observed Mr. Holland in an episode of transient seizures. After additional examination and diagnostic testing, it was determined that Mr. Holland had a genetic malformation of his brain known as an arterial venous malformation (AVM) within the anterior temporal lobe of his brain. The CSX railroad required Mr. Holland to have the AVM treated prior to his return to work, and he was admitted to Memorial Regional Hospital for surgery which occurred on October 6, 1995.

Expert testimony established a number of deviations from standards of care by the physician, including a catastrophic hemorrhage of approximately 3500 cc (3.5 liters) of blood. Additionally, radiographs taken after the surgery revealed that the surgeon had permanently clipped the middle cerebral artery which fed a significant portion of Mr. Holland's healthy brain. He fell into a coma and vegetative state which continued until his death in 1998. Clarice Holland, Mr. Holland's wife of 22 years, is the Personal Representative of his estate; the Hollands have two children, both of whom are over the age of 18.

SM: _____ SD: _____ Date: _____
JoAnn Levin Stephanie Olin Birtman